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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,392	10/20/2003	William C. Dodge	02-1253C-BOE96	3760

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WILDMAN HARROLD ALLEN & DIXON LLP
AND THE BOEING COMPANY
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EXAMINER

HUTTON JR. WILLIAM D

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/690,392

Applicant(s)

DODGE, WILLIAM C.

Examiner

Doug Hutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,12 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Applicant's Response

In Applicant's Response dated 10/30/2006, Applicant submitted a Request for Continued Examination, amended Claims 1, 3, 12, and 15-17, and argued against all objections and rejections previously set forth in the Office Action dated 05/01/2006.

Based on the claim amendments and Applicant's remarks, the objections to Claim 12 previously set forth are withdrawn.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 12 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Marmel, Elaine, **Microsoft Project 2000 Bible** (IDG Books Worldwide, Inc., © 2000).

Claim 1:

Marmel discloses *a computerized method of creating a program management chart* [see Chapter 17 – “**Coordinating Multiple Projects**” on pages 457-480 → Marmel discloses this limitation, as clearly indicated in the cited pages], *comprising the steps of:*

- *displaying a plurality of tasks within a selected set of data as a first part of the program management chart* **EXAMINER'S INTERPRETATION** – In terms of the present invention, the examiner is interpreting this limitation to be elements 802 and 804 (i.e., the “**internal**” tasks of a subproject) displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This **type** of element is discussed in the Specification on Page 11, Lines 15-17. In **Marmel**, see Chapter 17 – “**Coordinating Multiple Projects**” on pages 457-480 → Marmel discloses this limitation in that MS Project allows a user to consolidate projects/subprojects by inserting multiple project/subproject files into one large consolidated project file, thus saving the various parts of the consolidated file into separate files. The organizational structure of the consolidated project file is saved, so that the hierarchy of the various parts can be displayed in conjunction with corresponding project views. MS Project displays views of user-selected subprojects within the

larger projects. These views comprise tasks within those user-selected subprojects.];

- *displaying one or more tasks outside of the selected set of data but associated with at least one of the plurality of tasks within the selected set of data as a second part of the program management chart* **EXAMINER'S**

INTERPRETATION – The examiner is interpreting this limitation to be elements 806 and 808 (i.e., the “**external**” tasks of a subproject – those tasks that are outside of the subproject but associated with the “**internal**” tasks of the subproject) displayed in Figure 8 of the drawings. These specific elements are discussed in the Specification from Page 12, Line 27 through Page 13, Line 2. This **type** of element is discussed in the Specification from Page 11, Line 18 through Page 12, Line 4. In **Marmel**, see Chapter 17 – “*Coordinating Multiple Projects*” on pages 457-480 → Marmel discloses this limitation in that MS Project allows the user to link tasks that are in **different** subprojects of the larger projects. Within a larger project, often there are tasks in one part of the project that are dependent upon tasks in another part of the project (i.e., “**external**” tasks). MS Project displays views of user-selected subprojects within a larger project. These views comprise external tasks that are linked to, and thereby associated with, the tasks within those user-selected subprojects (i.e., “**internal**” tasks).];

- *differentiating within the program management chart between the plurality of tasks within the selected set of data and the one or more tasks outside of the*

selected data [In Marmel, see Chapter 6 – “Understanding the Basics of Views” on pages 133-135 and 145-147; see Chapter 8 – “Modifying the Appearance of Your Project” on pages 215 and 234-239 → Marmel discloses this limitation in that MS Project allows the user to set and modify the formats of the nodes in network diagrams. That is, the user can format the size, shape, color and line style of the boxes comprising the nodes. Additionally, the user can set and modify the formats of particular categories of node boxes. Such categories include internal and external tasks.]; and

- *limiting the displaying of the one or more tasks outside of the selected set of data only to those one or more tasks associated with at least one of the plurality of tasks within the selected set of data* **EXAMINER’S INTERPRETATION** – The examiner is interpreting this limitation to indicate that only “**external**” tasks that are associated with the “**internal**” tasks of the user-selected subproject are displayed. Stated differently, when a user selects a subproject, only the “**internal**” tasks of the subproject and the “**external**” tasks associated with the “**internal**” tasks are displayed. The examiner notes that both the “**internal**” tasks and the “**external**” tasks of the user-selected subproject are displayed, as indicated in Lines 3-7 of Claim 1 and in Figure 6 of the Drawings (see elements 600 and 604). In Marmel, see Chapter 17 – “Coordinating Multiple Projects” on pages 457-480 → Marmel discloses this limitation in that MS Project allows the user to link tasks that are in different subprojects of the larger projects. Within a larger project, often there are tasks in one part of the project that are dependent

upon tasks in another part of the project (i.e., “external” tasks). MS Project displays views of user-selected subprojects within a larger project. These views comprise external tasks that are linked to, and thereby associated with, the tasks within those user-selected subprojects (i.e., “internal” tasks).].

Claim 3:

Marmel discloses *the method of Claim 1, wherein the one or more tasks outside of the selected set of data is outside of a project that contains the selected set of data* [as indicated in the above rejection for Claim 1, Marmel discloses this limitation].

Claim 12:

Marmel discloses *a computerized method of creating a program management chart* [as indicated in the above rejection for Claim 1, Marmel discloses this limitation], *comprising the steps of:*

- *accessing a subset of data within a project* **EXAMINER'S INTERPRETATION** –
The examiner is interpreting this limitation to correspond to the first element recited in Claim 1 in that, in order to display tasks on a computer, the data for those tasks are accessed. Thus, the discussion of the examiner's interpretation of the first element recited in Claim 1 also applies here. In **Marmel** → as indicated in the above rejection for Claim 1, Marmel discloses this limitation];
- *displaying in the program management chart a plurality of tasks that are part of the project and associated with the subset of data* **EXAMINER'S**

INTERPRETATION – The examiner is interpreting this limitation to correspond to the first element recited in Claim 1. Thus, the discussion of the examiner's interpretation of that element also applies here. In **Marmel** → as indicated in the above rejection for Claim 1, Marmel discloses this limitation.];

- *displaying one or more tasks that are part of the project and outside of the subset of data in the program management chart at the same time as the plurality of tasks that are part of the project and associated with the subset of data*

(EXAMINER'S INTERPRETATION) – The examiner is interpreting this limitation to correspond to the second element recited in Claim 1. Thus, the discussion of the examiner's interpretation of that element also applies here. In **Marmel** → as indicated in the above rejection for Claim 1, Marmel discloses this limitation);

- *differentiating between the plurality of tasks that are part of the project and associated with the subset of data and the one or more tasks that are part of the project and outside of the subset of data [as indicated in the above rejection for Claim 1, Marmel discloses this limitation]; and*
- *limiting the displaying of the one or more tasks outside of the selected set of data only to those one or more tasks associated with at least one of the plurality of tasks associated with the subset of data* **(EXAMINER'S INTERPRETATION)** –

The examiner is interpreting this limitation to indicate that only “**external**” tasks that are associated with the “**internal**” tasks of the user-selected subproject are displayed. Stated differently, when a user selects a subproject, only the “**internal**” tasks of the subproject and the “**external**” tasks associated with the

“**internal**” tasks are displayed. The examiner notes that both the “**internal**” tasks and the “**external**” tasks of the user-selected subproject are displayed, as indicated in Lines 3-7 of Claim 1 and in Figure 6 of the Drawings (see elements 600 and 604). In Marmel, see Chapter 17 – “*Coordinating Multiple Projects*” on pages 457-480 → Marmel discloses this limitation in that MS Project allows the user to link tasks that are in different subprojects of the larger projects. Within a larger project, often there are tasks in one part of the project that are dependent upon tasks in another part of the project (i.e., “**external**” tasks). MS Project displays views of user-selected subprojects within a larger project. These views comprise external tasks that are linked to, and thereby associated with, the tasks within those user-selected subprojects (i.e., “**internal**” tasks).].

Claim 15:

Marmel discloses *the method of Claim 12, further comprising the step of accessing a header relating to the one or more tasks that outside of the subset of data*

EXAMINER'S INTERPRETATION – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in a project view for the user-selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In Marmel, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the views for the selected hierarchical portions of the

consolidated project file. At this point, **all** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the views.].

Claims 16 and 17:

Marmel discloses the methods of Claims 1 and 12, further comprising accessing header data associated with at least one of the plurality of tasks within the selected set of data in order to display the one or more tasks outside of the selected subset of data

EXAMINER'S INTERPRETATION – The examiner is interpreting this limitation to mean accessing any data that **allows a representation of an external task to be displayed** in a project view for the selected data **without having all of the data in the external task open**. This interpretation corresponds to the discussion of “header data” described in the Specification from Page 10, Line 31 through Page 11, Line 7. In **Marmel**, see Pages 457-480 – Marmel discloses this limitation in that MS Project displays external tasks in the views for the selected hierarchical portions of the consolidated project file. At this point, **all** of the data in the external tasks are **not** open. The user can access all of the data in the external tasks by double clicking on the external tasks in the views.].

Response to Arguments

Applicant's arguments filed 10/30/2006 have been fully considered but they are not persuasive.

Claim Rejections – 35 U.S.C. § 102:

Applicant argues that Marmel fails to disclose limiting the display of tasks outside of a selected set of data only to the tasks that are associated with at least one task within the selected set because, when a user selects a subproject, only those tasks belonging to the subproject are displayed. In order to display other tasks outside the selected subproject, Applicant argues, an additional subproject must be selected. See *Response* – Page 5, last paragraph through Page 6, first full paragraph.

The examiner disagrees.

Marmel expressly discloses linking tasks between projects. In other words, a task that is ***outside*** a first project (i.e., an “***external***” task) may be linked by the user to a task that is ***inside*** the first project (i.e., an “***internal***” task). Marmel also expressly discloses that, when the user opens either of the subproject files, Microsoft Project displays an external link to the externally linked task. See Marmel – the text and figures on Pages 466-468.

Thus, when the user selects a subproject having a linked task that is outside the subproject, Microsoft Project will display the tasks within the selected subproject (i.e., the “***internal***” tasks) and only those tasks that are outside the selected subproject but associated with the subproject (i.e., the “***external***” tasks). The examiner notes that the

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user may open and close the various project/subprojects within the overall consolidated project.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
July 20, 2004



Doug Hutton
Primary Examiner
Technology Center 2100